IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Bheru Lal & ors. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 631/2003
against the order dated 20-6-2003 passed
by the Sub-Divisional Officer, Nimbahera,
district Chittorgarh, in Case No.3/2003.

...

Date of Order: October 26, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. R.S. Chundawat, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

This criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter) is directed against the order dated 20.6.2003 passed by the Sub-Divisional Magistrate, Nimbahera, district Chittorgarh (for short, "the Executive Magistrate" hereinafter) in Case No. 3/2003, whereby the Executive Magistrate directed that the forty-four bulls which were given on Supurdginama to the present petitioners vide order dated 29-5-2003 was cancelled and the petitioners were directed to return the said bulls to be kept in a "Gaushala".

I have hard learned counsel for the parties and

perused the order impugned.

The impugned order dated 20-6-2003 was stayed by this Court vide order dated 29-9-2003 while admitting the petition. Since the beginning of the order of the Court below dated 29-5-2003, the bulls are on Supurdginama and in the custody of the present petitioners. The possibility of misappropriation does not appear to be well-founded. In my view, no useful purpose would be served in allowing the impugned order to stand. Since the bulls were already handed over to the petitioners on Supurdginama way back on 29-5-2003, it is for the petitioners to remain abide by the terms and conditions of Supurdginama. There is no specific averment in the order impugned that any of the terms and conditions incorporated in the Supurdginama has been violated by the present petitioners.

In this view of the matter, the criminal miscellaneous petition is accordingly allowed; the order impugned dated 20.6.2003 passed by the Executive Magistrate in Case No.3/2003 is set aside. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs